

PUBLIC CHAPTER NO. 206

HOUSE BILL NO. 1469

By Representatives Fitzhugh, Kelsey

Substituted for: Senate Bill No. 2053

By Senators McNally, Henry

AN ACT to amend Tennessee Code Annotated, Title 8, Chapter 4, to enact the Local Government Instances of Fraud Reporting Act.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 4, is amended by adding Sections 2 through 6 of this act as a new part thereof.

SECTION 2. The title of this act is and may be cited as the "Local Government Instances of Fraud Reporting Act".

SECTION 3. As used in this part, unless the context otherwise requires:

(1) "public entity" means any branch or agency of a county, municipality, public utility, utility district, entity created pursuant to any inter-local agreement, or any other political subdivision thereof;

(2) "public official" means a person elected or appointed to any office of a public entity;

(3) "reasonable amount of time" means any amount of time which is reasonable under the particular circumstances but shall not under any circumstances exceed five (5) working days;

(4) "unlawful conduct" means theft, forgery, credit card fraud, or any other act of the unlawful taking of public money, property, or services.

SECTION 4.

(a) A public official with knowledge based upon available information which reasonably causes him/her to believe that a theft, forgery, credit card fraud, or any other act of the unlawful taking of public money, property, or services has occurred shall report such information in a reasonable amount of time to the office of the comptroller of the treasury;

(b) The comptroller shall have the power to prescribe the method of making such reports.

SECTION 5. If, acting in good faith, a public official makes a report, as required by the provisions of Section 4 of this Act, then

(a) The person shall not be liable in any civil or criminal action that is based solely upon;

(1) The person's decision to report what the person believed to be unlawful conduct;

(2) The person's belief that reporting such unlawful conduct was required by law; or

(3) The fact that a report of unlawful conduct was made.

(b) No immunity conferred pursuant to this subsection shall attach if the person reporting the unlawful conduct participated in or benefited from the conduct.

SECTION 6. The detailed information received and generated pursuant to this part shall be considered confidential working papers of the comptroller of the treasury and is therefore not an open record pursuant to Title 10, Chapter 7.

SECTION 7. This act shall take effect on becoming law, the public welfare requiring it.

PASSED: April 4, 2007


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 22nd day of May 2007


PHIL BREDESEN, GOVERNOR